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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/751,468	12/29/2000	John R. Stefanik	00337	7168

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EXAMINER

PREVIL, DANIEL

ART UNIT

PAPER NUMBER

2632

DATE MAILED: 04/12/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.	Applicant(s)	
	09/751,468	STEFANIK, JOHN R.	
	Examiner	Art Unit	
	Daniel Previl	2632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is responsive to communication filed on February 7, 2002.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vernace et al. (US 5,648,757) in view of Iwamura (US 0042245).

Regarding claim 1, Vernace teaches a housing 100 (fig. 1); a processor (controller) located in the housing (col. 4, lines 29-34); at least one input device (key pad) in communication with the processor (controller) (col. 3, lines 8-9); and a light source attached to a top side of the housing and in communication with the processor (controller) (movable lamp 38 is in upper portion of the housing 100) (fig. 1).

Vernace discloses every feature of the claimed invention but fails to explicitly disclose a motion detector in communication with the processor; the motion detector upon detecting a motion permits the light source to be lit.

However, Iwamura discloses a motion detector in communication with the processor (fig. 1, ref. 15, 16).

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Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Iwamura in Vernace. Doing so would allow the user to locate accurately the device.

Furthermore, Vernace discloses a movement detection that can result in the sound of an alarm upon detecting a movement (col. 5, lines 20-45). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to illuminate Vernace's light source 38 upon detecting movement of the key pad instead of sounding an alarm upon detecting a movement in order to allow the user to locate easily the device.

Regarding claim 2, Vernace teaches an input device which is a key pad (col. 3, lines 7-10).

Regarding claim 3, Vernace teaches a mercury switch (col. 5, lines 20-21).

Regarding claim 4, Vernace discloses a storage area in communication with the processor (col. 3, lines 23-35).

Regarding claim 5, Vernace teaches the light source which is a fluorescent light (col. 4, line 49).

Regarding claims 6-7, 10, 11, Vernace teaches a housing 100 (fig. 1); a processor (controller) located in the housing (col. 4, lines 29-34); at least one input device (key pad) in communication with the processor (controller) (col. 3, lines 8-9); and a light source attached to a top side of the housing and in communication with the processor (controller) (movable lamp 38 is in upper

portion of the housing 100) (fig. 1); a semi-transparent area located on a top side of the housing and having no input function wherein the semi-transparent area is backlit when the light source is lit (The end bumpers, as illustrated by 20 and 62 include slots wherein a fluorescent illumination material is contained allowing the ends to glow in the dark after being submitted to light) (col. 4, lines 48-51). Claim 11 adds the limitation: a user controllable switch in communication with the light source for disabling the lighting of the light source (the user can turn off the television set) (col. 5, lines 34-45).

Vernace discloses every feature of the claimed invention but fails to explicitly disclose a motion detector in communication with the processor; the motion detector upon detecting a motion permits the light source to be lit.

However, Iwamura discloses a motion detector in communication with the processor (fig. 1, ref. 15, 16).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Iwamura in Vernace. Doing so would allow the user to locate accurately the device.

Furthermore, Vernace discloses a movement detection that can result in the sound of an alarm upon detecting a movement (col. 5, lines 20-45).

Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to illuminate Vernace's light source 38 upon

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detecting movement of the key pad instead of sounding an alarm upon detecting a movement in order to allow the user to locate easily the device.

Regarding claim 8, Vernace teaches a housing 100 (fig. 1); a processor (controller) located in the housing (col. 4, lines 29-34); a keypad located on a top side of the housing and in communication with the processor (controller) (col. 3, lines 8-9; col. 4, lines 52-58); and a plurality of light attached to a top side (lamp 38 and lamp 42) of the housing and in communication with the processor (controller) (movable lamp 38 is in upper portion of the housing 100) (fig. 1); each of the lights corresponding to at least one of the keys (fig. 1; col. 4. lines 52-58).

Vernace discloses every feature of the claimed invention but fails to explicitly disclose a motion detector in communication with the processor; the motion detector upon detecting a motion permits the light source to be lit.

However, Iwamura discloses a motion detector in communication with the processor (fig. 1, ref. 15, 16).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Iwamura in Vernace. Doing so would allow the user to locate accurately the device.

Furthermore, Vernace discloses a movement detection that can result in the sound of an alarm upon detecting a movement (col. 5, lines 20-45).

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Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to illuminate Vernace's light source 38 upon detecting movement of the key pad instead of sounding an alarm upon detecting a movement in order to allow the user to locate easily the device.

Regarding claim 9, the examiner takes the official notices that " a plurality of LEDs " is well known in the art.

Response to Arguments

3. Applicant's arguments with respect to claims 1-11 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Wotring et al. (US 5,192,042) discloses a holder for vcr and tv remote controls.

Stoudemire (US 5,122,937) discloses a remote control holder and illuminator.

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Zaug (US 5,195,634) discloses a remote control holder.

Kulyk (US 5,244,173) discloses a holder for remote control units


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Previl whose telephone number is 305-1028. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffery Hofsass can be reached on 305-4717. The fax phone numbers for the organization where this application or proceeding is assigned are 308-6743 for regular communications and 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 305-4700.

Daniel Previl
Examiner
Art Unit 2632

DP
March 30, 2002


JEFFERY HOFSSASS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600